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10/069,608	05/24/2002	Jan Gerard Snip	PTT-136(402656US)	3453

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/24/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

# Office Action Summary

Application No.  
10/069,608

Applicant(s)  
Jan Gerald Snip et al.

Examiner  
Melur. Ramakrishnaiah

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2643



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 18, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14-25, and 29-53 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-25, and 29-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 12, 14-17, 18-21, 36, are rejected under 35 U.S.C 102(b) as being anticipated by Gordon (US PAT: 4,713,837).

Regarding claim 1, Gordon discloses a method for activating a local terminal connectable to a first network, comprising the steps: transmitting by a server (20, fig. 1) via second network (32) an activation code to a local activation module (16) which is connected to second network and to the local terminal (18), activating, by the activation module (16) after receiving the activation code, the terminal (col. 6 lines 51-68, col. 7 lines 1-15).

Regarding claim 36, Gordon discloses a system for activating a local terminal connected to the first network, the system comprising: a local activation module (16) which is connected to a second network (32) and to a local terminal (18), wherein the second network passes on an identifier of a node via which server is connected to the second network (col. 7 lines 1-3) and activation module records the identifier so as to define a recorded identifier and activates the terminal, after receiving an activation code, in accordance with a value of the recorded identifier (col. 6 lines 51-68, col. 7 lines 1-15)

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Regarding claims 2-5, 7, 12, 14-21, Gordon further teaches the following: the activation module also activates connection between the local terminal (18) and the server (20), via the first network (24) the server further activates the terminal (col. 7 lines 8-21), activation code also comprises a message (col. 7 lines 1-3) that is sent to by the server (20) with the activation code to the activation module (16) and that can be read by the terminal, after having been activated by the activation module, message is a notification message, notification message relates to a message that is waiting in the server (20) to be read by the user of the terminal, the message waiting in the server is an e-mail message (col. 6 lines 51-68, col. 7 lines 1-15), the second network passes on to the activation module the identifier of the node (6) via which the server (26/28) connects to the second network, characterized in that the activation module records the identifier and activation module activates the terminal in accordance with the value of the recorded identifier (col. 6 lines 51-68, col. 7 lines 1-8), connecting to the second network (32) via various nodes (6, fig. 1), each with a different identifiers, in accordance with the values of the identifiers recorded by the activation module (16, col. 6 lines 51-68, col. 7 lines 1-8), server comprises means for connecting to an external network (39, fig. 1) or other server and being controlled by the external terminal or the other server on the basis of control parameters (col. 5 lines 18-34), local terminal (18) controls further devices (for example 19), activation module or server controls the further devices, activation module and /or local terminal are integrated with the further devices, devices are domestic devices (col. 5 lines 51-68, col. 6 lines 1-8, lines 35-51).

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3. Claims 9-10, 22-25, 29-30, 34-35, 37, 38, 39-41, 43, 44-46, 48, 49-51, 53, are rejected under 35 U.S.C 102(b) as being anticipated by Mobin (WO 99/35805).

Regarding claim 9, Mobin discloses a method for activating a local terminal connectable to a first network (11, fig. 1) wherein a second network connected to (18, fig. 1) passes on to an activation module (for example 12, fig. 1) an identifier of a node (page 10, second paragraph) via which server connects to the second network, the method further comprising the steps of: recording the identifier so as to define a recorded identifier, activating the terminal in accordance with the recorded identifier (pages 8-11).

Regarding claim 22, Mobin discloses a server comprising selection means for activating a local terminal (for example 12, fig. 1), in a plurality of ways (page 11 second paragraph), connected to the first network (11, fig. 1) by connecting to a second network various network nodes, each of the nodes having a different identifier (page 10, second paragraph).

Regarding claim 37, Mobin discloses a module for making a connection between a local terminal and a server, via network, comprising: means (42, fig. 1) for receiving, from the server (50, fig. 1), an activation code, the code comprising an identifier of a node via which the server is connected to the network, means (18/12, fig. 1) for recording the identifier so as to define a recorded identifier (page 10, second paragraph), and activating the terminal in accordance with a value of the recorded identifier (page 9 paragraphs: 1-3, page 10 paragraph: 1-3).

Regarding claims 38, 39, 44, and 49, Mobin method and system for activating a local terminal connected to a first network, the method comprising the steps of: transmitting, by a

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server (50, fig. 1) and via a second network in (18, fig. 1), an activation code, the code comprising a message to a selected local activation module in (12, fig. 1) which is connected to the second network and to the local terminal (12, fig. 1), and after reception of the activation code by the selected local activation module, activating the local terminal by the selected local activation module wherein message can be read by the local terminal (page 9 paragraphs: 1-3, page 10 paragraph: 1-3).

Regarding claims 10, 23-25, 29-30, 34-35, 40-41, 43, 45-46, 48, 50-51, 53, Mobin further teaches the following: server (50, fig. 1) for activating the terminal in a plurality of ways (page 11 second paragraph), first network (11, fig. 1) and second network (18, fig. 1) are separate networks, first network and second network form are at least partially constituted by a same network (fig. 1) means (26, fig. 1) for connecting with an external network terminal or sever (50, fig. 1) and bring controlled by external terminal of the server on the basis of control parameters, activation code comprises a message and the module comprises means (for example 18, fig. 1) for passing the message to the terminal, the message is a notification message that relates to a message stored in the server (50, page 9 first paragraph), message waiting in the server is an e-mail message, module is implemented as a hardware/software (pages 8-11).

4. Claims 6, 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Smith et al. (US PAT: 6,333,937 B1, filed 4-23-1997, hereinafter Smith).

Regarding claims 6, 8, Gordon does not teach the following: the message/message waiting is an SMS message.

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However, Smith discloses integrated message center which teaches the following: the message/message waiting is an SMS message (col. 9 lines 6-11).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Gordon's system to provide for the following: the message/message waiting is an SMS message as this arrangement would enable the user to obtain messages of different kind as taught by Smith, thus enabling the user to obtain different message types.

5. Claims 31, 42, 47, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mobin in view of Smith.

Regarding claim 31, 42, 47, 52, Mobin does not teach the following: the message waiting is an SMS message.

However, Smith discloses integrated message center which teaches the following: the message waiting is an SMS message (col. 9 lines 6-11).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mobin's system to provide for the following: the message is an S.M.S message as this arrangement would enable the user to obtain messages of different kind as taught by Smith, thus enabling the user to obtain different message types of messages.

6. Claims 32-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mobin in view of Randall et al. (WO 91/13510, hereinafter Randall).

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Regarding claims 32-33, Mobin does not teach the following: means for detecting terminal status code, relating the status of the terminal and passing on of that status code via the network to the server, status code indicates whether the terminal is active or inactive.

However, Randall discloses communication network and communication device which teaches the following: means in (3, fig. 1) for detecting terminal status code (reads on polling signal, relating to the status of the terminal (3) and passing on of that status code via the network to the server (9, fig. 1), status code indicates whether the terminal is active or inactive (page 4 lines 27-30).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mobil 's system to provide for the following: means for detecting terminal status code, relating the status of the terminal and passing on of that status code via the network to the server, status code indicates whether the terminal is active or inactive as this arrangement would facilitate to receive messages stored in a server when the terminal is ready to receive the messages as taught by Mobil, thus facilitating message reception efficiency from server.

#### ***Response to Arguments***

7. Applicant's arguments filed on 8-18-2003 have been fully considered but they are not persuasive.

Regarding rejection of independent claim 1 as being anticipated by Gordon (US PAT: 4,713,837), Applicant argues that claim 1 recites transmitting, by a server ... to local activation module which is connected to the second network and to the local terminal and further states that



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unicast transmission is not shown or contemplated by the teachings of the Gordon '837 patent.

Contrary to applicant's interpretation of Gordon, Gordon teaches the following: transmitting by a server (20, fig. 1) via second network (32) an activation code to a local activation module (16) which is connected to second network and to the local terminal (18), activating, by the activation module (16) after receiving the activation code, the terminal (col. 6 lines 51-68, col. 7 lines 1-15) as required by the claim limitations claim 1. Therefore, rejection of independent claim 1 is maintained. Regarding dependent claims 2-5, 7, Applicant's arguments are linked to independent claim 1 as being patentable which is not as established above. Applicant's arguments regarding claim 11 is moot as the claim 11 is canceled. Regarding new independent claim 36, rejection of this claim is set forth in the office action above. Applicant's arguments regarding rejection of claim 22 is moot as the rejection of this claim is based on Mobin instead of Gordon. Mobin was used in an earlier rejection of claims 9-10, 26-30, 34-35, etc (office action dated 4-14-2003).

Regarding rejection of independent claims 9 and 37 as being anticipated by by Mobin (WO 99/35805), Applicant argues that nowhere does the Mobin application contain any disclosure, whether explicit or implicit, that teaches the concept of communicating an identifier recited in independent claims 9 and 37. Contrary to Applicant's interpretation of Mobin, he teaches server (50, fig. 1) sending the coded signals to the local activation module in (12, fig. 1) which includes an identifier also such as caller ID signals which will help the local terminal to discriminate among multiple host devices so that local terminal can contact the appropriate host for interaction (page 10, second paragraph). Since Mobin teaches limitation of claim 9 and 37,

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rejection of claims 9 and 37 is maintained. Regarding rejection of dependent claims 10, 29-30, 34-35, Applicant's arguments are linked to independent claims 9 and 37 as being patentable which is not as established above.

Rejection of dependent claims 6 and 8 as being obvious over Gordon in view of Smith et al. (US PAT: 6,333,937 B1, filed 4-23-1997, hereinafter Smith): Regarding rejection of claims 6 and 8, Applicant argues that "Specifically, even if the notification messages ... the resulting combined teachings would still yield a system that relies on broadcasting identifying signals to remote receivers associated with off-line terminals". Regarding this, applicant's arguments are not persuasive in as much as broadcasting identifying signals are effected by wireless transmissions from the server. SMS messages are also wirelessly transmitted to the receivers by servers. Therefore combination of Gordon and Smith teaches the claim limitations of claims 6 and 8 as set forth in the office action above. Applicant further argues that Gordon contains absolutely no teachings, as recited in claim 3, of the activation code itself containing a message that is sent by the server to a local terminal. Regarding this, it is to be noted that Gordon teaches sending codes to the activation module (16), the code further including a code that a message is waiting for the users at the central processing utility (20, col. 7 lines 1-3) and Smith teaches sending message waiting is an SMS message (col. 9 lines 6-11). So combination of Gordon and Smith teaches claim limitations of claims 6 and 8. Therefore, rejection of claims 6 and 8 is maintained.

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Regarding rejection of claim dependent claim 31 as being obvious over Mobin in view of Smith, Applicant makes similar arguments as regards the rejection of claims 6 and 8. Application attention is directed to explanation made above regarding the rejection of claims 6 and 8.

Regarding rejection of claims 32-33 as being obvious over Mobin in view of Randall et al. (WO 91/13510, hereinafter Randall), Applicant argues that "nowhere does the Mobin application discloses or even suggest, however slight, this combination of features. In that regard as discussed above, the Mobin ... would not think to incorporate a node identifier with in the activation code and then activating local terminal on that code -- as Applicants teach and as incorporated within both claims 32 and 33. Regarding this, it is to be noted claims 32-33, are rejected under 103(a). As noted in the office action above, Mobin does not teach the following: means for detecting terminal status code, relating the status of the terminal and passing on of that status code via the network to the server, status code indicates whether the terminal is active or inactive.

However, Randall discloses communication network and communication device which teaches the following: means in (3, fig. 1) for detecting terminal status code (reads on polling signal, relating to the status of the terminal (3) and passing on of that status code via the network to the server (9, fig. 1), status code indicates whether the terminal is active or inactive (page 4 lines 27-30).

One of ordinary skill in the art at the time invention was made, would be motivated to combine Mobin with Randall as this arrangement would facilitate to receive messages stored in a

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server when the terminal is ready to receive the messages as taught by Mobil, thus facilitating message reception efficiency from server. Therefore, rejection of claims 32-33 is maintained.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**10. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

  
Melur. Ramakrishnaiah

PRIMARY EXAMINER

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